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Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NELLIE SAMPSON,	:	
	:	
<i>on behalf of herself and all other employees similarly</i>	:	
<i>situated,</i>	:	Civil Action No. 10-cv-1342
Plaintiffs,	:	(SJF)(ARL)
	:	
v.	:	
	:	
MEDISYS HEALTH NETWORK INC., THE JAMAICA	:	
HOSPITAL, THE BROOKDALE HOSPITAL MEDICAL	:	
CENTER, FLUSHING HOSPITAL AND MEDICAL	:	
CENTER, PENINSULA HOSPITAL CENTER, DAVID	:	
P. ROSEN and MAX SCLAIR,	:	
	:	
Defendants.	:	
-----	X	

**NOTICE OF MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT AND STAY DISCOVERY**

PLEASE TAKE NOTICE THAT, upon the accompanying Defendants' Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's Amended Complaint and Stay Discovery; the Declaration of Lorie E. Almon, Esq., together with Exhibits A through D; the Declaration of

Brenda Lee, together with Exhibits A through C; the Declaration of John Mangani, together with Exhibits A through D; the Declaration of Ronald Musselwhite, together with Exhibits A through D; the Declaration of Marguerite Verdi, together with Exhibits A through C, and the Compendium of Unreported Decisions Cited in Defendants' Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's Amended Complaint and Stay Discovery, Defendants MediSys Health Network Inc., The Jamaica Hospital, The Brookdale Hospital Medical Center, Flushing Hospital and Medical Center, Peninsula Hospital Center, David P. Rosen and Max Sclair (collectively "Defendants") will move this Court on a date and time to be set by the Court, before the Honorable Sandra J. Feuerstein, United States District Judge, at the United States Courthouse, 100 Federal Plaza, Courtroom 1010, Central Islip, New York 11722 for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendants' motion to stay discovery and dismiss the Amended Complaint with prejudice in its entirety for failure to state a claim.

Dated: New York, New York
July 22, 2010

Respectfully submitted,

SEYFARTH SHAW LLP

By /s/ Lorie E. Almon

Lorie E. Almon

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2010, I caused to be served a true and correct copy of the foregoing Notice of Motion to Dismiss Plaintiff's Amended Complaint; Defendants' Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's Amended Complaint, Declaration of Lorie E. Almon, Esq., together with Exhibits A through D; the Declaration of Brenda Lee, together with Exhibits A through C; the Declaration of John Mangani, together with Exhibits A through D; the Declaration of Ronald Musselwhite, together with Exhibits A through D; the Declaration of Marguerite Verdi, together with Exhibits A through C, and the Compendium of Unreported Decisions Cited in Defendants' Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's Amended Complaint and Stay Discovery, by FedEx, overnight delivery, postage pre-paid, on counsel for Plaintiff at the address listed below:

Justin M. Cordello, Esq.
Thomas & Solomon LLP
693 East Avenue
Rochester, NY 14607
Attorney for Plaintiff

/s Lorie E. Almon
Lorie E. Almon